

**SERVICE:** Once you have filed with the Court your completed Originating Application for Divorce (1 original and 3 copies), original marriage certificate, and paid the required fee (\$130.00), you will be provided with a package that includes a copy of the Application for you to keep and another copy that you must provide (including Instructions) to the Respondent. This is called *service*. You have **180 days** to serve the Respondent after you have filed the Application.

- Because your Application involves divorce, **an adult (who is not you) must hand-deliver** the Application to the Respondent. This is called ***personal service***.
- The Instructions (attached to the Application) notify the other spouse that a divorce application has been filed, and that if they wish to contest the divorce application, they have 30 days (within Canada) and 60 days (outside Canada) in which to do so.

**PROOF OF SERVICE:** Once you have served the Originating Application, you will need to prove to the Court that the Respondent has received it.

- The person who served the Originating Application must fill out an Affidavit of Service. The Affidavit must be signed at the Court Registry (or in front of any notary public, justice of the peace, lawyer, or commissioner of oaths). The person who served the Originating Application must be present when the affidavit is signed.

**FEDERAL DIVORCE REGISTRY CLEARANCE CERTIFICATE:** Once you have filed the Application with the Court the staff will request a Clearance Certificate from the Central Divorce Registry in Ottawa. This usually takes 3-4 weeks to receive. You may need to contact the Court in 3-4 weeks to ensure the Court has received the certificate so that you can proceed with the remainder of your application.

**NOTICE OF DEFAULT:** If your spouse does not respond to the application within the prescribed time, you will need to file a Notice of Default with the Court (Form 6.06A found on the Family Division Website). Then you can proceed with an uncontested divorce, without any further notice to the Respondent, by filing an Application for Judgment.

**MAKING THE APPLICATION FOR JUDGMENT:** File the Application for Judgment (Form 26.02A found on the Family Division Website) and the required \$60.00 fee with the Court. **You must also include two stamped envelopes (one addressed to you and one addressed to the Respondent).** Your Divorce Judgment will be mailed to you and to the Respondent in these envelopes. Your divorce becomes final 31 days after the date on the Judgment.

- If the responding spouse files a Response disputing the grounds for divorce or challenges the claim for divorce, this is called a contested divorce and you **cannot** file a Notice of Default. A contested divorce means that the Applicant will have to prove the contents of their divorce application (i.e. they may have to prove the grounds for divorce). The responding party will have the opportunity to put forward their case as well. This is rare in the case of divorce only.

**CERTIFICATE OF DIVORCE:** Should you decide to remarry, you will need to request a Certificate of Divorce from the Court. This is not sent to you automatically. There is a fee of \$20.00. This can be done any time after the Divorce is effective (31 days after the date on the Judgment). This may be done in person or by writing to the Court that granted your divorce. If you are unable to attend in person, you may call the Court and make payment by credit card. You may be asked to provide photo identification. Your certificate will then be mailed to you.

### Resources

- <http://www.court.nl.ca/supreme/family/index.html>
- <http://www.court.nl.ca/supreme/family/fjs.html>
- <http://publiclegalinfo.com/>
- <http://www.legalaid.nl.ca/contact.html>

### Contact Information

Supreme Court of Newfoundland and Labrador  
Family Division, 68 Portugal Cove Road  
St. John's, NL A1B 2L9  
Phone: 709.729.2258 | Fax: 709.729.0784  
Email: [familyinquiries@supreme.court.nl.ca](mailto:familyinquiries@supreme.court.nl.ca)

**Registry Service Hours:** Monday to Friday - **9:30 a.m. to 1:00 p.m.** and **2:00 p.m. to 4:30 p.m.**

**FILING THE JOINT ORIGINATING APPLICATION:** As Co-Applicants, both parties sign the Joint Originating Application. Once you have filed your completed Joint Originating Application for Divorce (1 original and 2 copies) and original marriage certificate with the Court and paid the required fee (\$130.00), you will be provided with a package that includes a copy of the Application for each of you to keep for your own records.

**FEDERAL DIVORCE REGISTRY CLEARANCE CERTIFICATE:** Once you have filed the Joint Application with the Court, the staff will request a Clearance Certificate from the Central Divorce Registry in Ottawa. It usually takes 3-4 weeks for this Certificate to be received by the Court. You may need to contact the court in 3-4 weeks to ensure the Court has received the clearance certificate so that you can proceed with the remainder of your application.

**MAKING THE JOINT APPLICATION FOR JUDGMENT:** File the Application for Judgment (Form 26.02A found on the Family Division Website) and the required \$60.00 fee with the Court. Note that you will need two (2) of PART E of this document – one for each co-applicant. **You must also include two stamped envelopes (one addressed to you and one addressed to the Respondent).** Your Divorce Judgment will be mailed to you in these envelopes. Your divorce becomes final 31 days after the date on the Judgment.

**CERTIFICATE OF DIVORCE:** Should you decide to remarry, you will need to request a Certificate of Divorce from the Court. This is not sent to you automatically. There is a fee of \$20.00. This can be done any time after the Divorce is effective (31 days after the date on the Judgment). This may be done in person or by writing to the Court that granted your divorce. If you are unable to attend in person, you may call the court and make payment by credit card. Your certificate will then be mailed to you.

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